

Revenue (1924) Department.

Income SERIES.

G.O. No. 98

98

DATED 18-1-26

[Despatch Abstract.]

Settlement - Re-settlement - South India
District & Kanak Lands - Investigation order.

D.O. No.419.

Rev 3318E
9-10-25

Office of the Board of Revenue,
Land Revenue & Settlement,
Madras, dated 6th October 1925.



Dear Legh,

Settlement - Resettlement - South Kanara district - Kumaki
lands.

*Govt. wants to settle
a large tract of land
in the same manner as
the Kumaki lands.*

- In connexion with the resurvey and resettlement of South Kanara, Wells raises the question whether the Kumaki privileges
- (A) allowed under the rules issued in G.O. No.302 Rev., dated 1st July 1896 should be continued. A copy of his letter is enclosed. At the last settlement, the Settlement Officer, the Collector and the Board were all in favour of including Kumaki lands in patta and fixing a light assessment on them. Government however, finally decided that a settlement of Kumaki lands was unnecessary and that landholders might enjoy the 'existing' privileges on
- (B) such lands - G.O. No.513, Revenue, dated 8th June 1906. The grounds on which Government came to this decision are not known. It is doubtful if any useful purpose will be served by going into the question again if the reasons which influenced Government in 1906 are likely to prevail again. Moreover as indicated in Wells' letter, the practical work in regard to encroachments will be hung up if a long enquiry and discussion is started about Kumaki. I am therefore to ask that if Government see no objection the Board may be informed of the reasons which weighed with/in ordering the continuance of the Kumaki privileges.

A

B

If the Hon'ble the Revenue Member does not regard the question as finally settled and would be prepared to consider it afresh the Board will have the question re-examined in the light of present day conditions and submit a report to Government.

Yours sincerely,

W. Wells
7/10

To E.W.Legh, Esq., C.I.E., I.C.S.,
Second Secretary to Government (with copy of
Mr. Wells' letter.

3

Copy of letter from G.W. Wells Esq., M.A., I.C.S., Collector of South Kanara, Ref. C.No. 5006-25-A2 dated the 8th August 1925.-

Survey- Resurvey- Special staff- Rules- South Kanara- Orders solicited.-

I enclose a copy of the letter from the Special Settlement Officer, Party No. IV, R.O.C. 184 225/B & C/25 dated 13th June 1925 requesting me to give him my opinion on the following points:-

(1) whether the Revenue Department wants the old (Kadim)

① warg limits to be respected.

(2) if the warg limits are to be respected, how the encroachments on assessed waste land adjoining old kadim wargs are to be measured and

(3) whether the Survey Department should enquire into the claims of mulgenidars.

2. Before furnishing the answer to query (1) to the Special Settlement Officer, the question of assessing kumakis at the resettlement may be considered and decided by the Board. Although the warg tenure has disappeared after the introduction of Settlement, the distinction between kadim warg lands and hosagame warg lands remains owing to the existence of the kumaki privileges and has to be maintained so long as those privileges last. Kadim warg lands as defined in Rule 7 A of the rules framed under Section 26 of the Forest Act are entitled to kumaki privileges and hosagame or new wargs formed in and since Fasli 1276 are not entitled to such privileges. All kadim wargs do not have kumakis because it often happens that some of the kadim wargs are surrounded by other wargs. It is only the kadim warg lands adjoining Government waste land that possess kumaki privileges. The question is whether the survey sub divisions appertaining to such kadim warg lands should be shown separately in the

~~2~~ ~~1~~

Settlement Diglott Register. At the last Settlement they have been shown separately because the kumaki institution has remained unaffected by the Settlement. The question of continuing to maintain the above distinction depends upon the question of dealing with kumakis at the resettlement. If kumakis are left undisturbed as they are now, the above distinction has to be maintained at the resettlement also. If however kumakis are included at the resettlement in the pattas of the ~~land~~ wargdars, the necessity for maintaining the distinction ceases to exist.

page 2-14 of 20513 28-6-06 (B)

3. The proposals formulated by the several Collectors from time to time for assessing kumaki lands and finally approved by the Board in B.Ps. Nos. 4956 Mis. R.S. dated 28-8-05 and 1388 Misc., R.S. dated 11-3-06 printed in B.P.No. 217 R.S. dated 15-6-06 are:-

page 1-87 (B)

27-8
0 (B)
7-12
)

(i) that kumaki lands should be assessed at the uniform rate of 4 annas per acre subject to revision at resettlements and subject to exemption from payment of tree value.

(ii) that the concession should be applied only to (1) the area actually enclosed by wargdars and enjoyed by them as kumaki and (2) the area falling within 100 yards of kadim warg lands though not enclosed by them and

(iii) that kumaki lands not taken up at the favourable rate of 4 annas by wargdars within a specified period- say 2 years- shall cease to be kumaki and become available for assignment to any one at the settlement rate subject to payment of the value of tree growth standing thereon.

4. Point (2).- How encroachments on assessed wastes adjoining kadim warg lands are to be measured. These encroachments are (1) of less than ~~5~~ 5 cents in extent and (2) of 5 cents or more in extent. Encroachments of less than 5 cents in extent may be surveyed and clubbed with the respective adjoining holdings as the inclusion of such small areas will not unduly extend the warg limits so as to admit of any appreciable area of non kumaki land being brought within the kumaki limits. As regards encroachments of more than 5 cents, they

34/5

may be treated in the same way as encroachments on non-kumaki lands and a list of them furnished to the Revenue Department for being dealt with as constructive darkhasts under B.S.O. 15. Cases of kumaki enclosures with permission need not be treated as encroachments under G.O. No. 2166 Revenue dated 2-8-08 communicated with B.P. 2701 Misc., L.A., dated 2-9-08 but only those without permission being unauthorised come under the category of encroachments.

5. Point 3.- Whether the Survey Department should enquire into the claims of persons representing themselves as mulgenidar though not shown as such in the Revenue Accounts. The mulgeni tenure is peculiar to this district. The Special Staff Circular says that in the case of lands held on mulgeni tenure, the names of both the pattadar and the mulgenidar should be ascertained and entered in the land register. At the last settlement, mulgeni pattas were issued in the case of mulgeni leases, showing the name of the mulgar as pattadar and the mulgenidar as mulgeni tenant, coupled with an executive order that if the landlord does not pay the assessment, the land should be proceeded against first as recommended by the Board in B.P. No. 41 R.S., dated 15-3-02 and sanctioned by Government in para 19 of G.O. 757 Revenue dated 25-8-02 in B.P. 172 R.S., dated 29-8-02. The issue of a separate mulgeni patta was only a special concession granted to the mulgar, to meet those cases of old mulgenis where the terms of the lease do not provide for an enhancement of the rent on account of the increase of assessment at settlement. Since the last settlement there has been a change in the relative position of the mulgar and the mulgeni tenant owing to the passing of the Mulgeni Rent Enhancement Act XIII of 1920. This has removed the grievance of the mulgar against the mulgeni tenant regarding the recovery of increased settlement assessment and the executive order referred to above has been cancelled by Government in para 4 (3) of G.O. No. 2979 Revenue dated 9th October 1913 which directs that arrears of revenue should be recovered in the ordinary way

6 - 4/12

by distraining the movable property of the mulgar in the first instance, as in the case of ordinary pattas. This order was to take effect after the Mulgeni Rent Enhancement Act was passed in 1920 but the order has not been given effect to hitherto. As nearly 12 years have elapsed since the issue of the said Government Order, I request Board's sanction to give effect to the order now. This is only a subsidiary question. The main question at issue is whether any enquiry should be made in connection with the resettlement into the mulgeni leases already registered as well as the mulgeni leases not so registered and those created subsequent to the last settlement. I do not think that there are any special grounds for making such enquiry now as the proposal of the Board for the joint registration of the mulgar and the mulgenidar has been rejected by Government in G.O.No. 2979 Revenue, dated 9-10-13 quoted above and (12) because the title of the mulgenidars was not at any time recognised by Government who have always held the mulgar as the pattadar and as such answerable for the payment of arrears of revenue due to Government.

6. As the questions involved are sufficiently important and form the basis of resurvey and resettlement, I solicit early orders in the matter.

7

Copy of letter No.R.O.C.225/B & G/25, dated the 13th June 1925, from A.R. Mac Ewen, Esquire, M.C., I.C.S., Special Settlement Officer, Party No. IV, Tinnevely, Ramnad, Madura and Trichinopoly, to the Collector of South Kanara.

- - - -

Survey - special staff - Rules - South Kanara District.

:-:

I have the honour to submit an extract of paragraphs 4 and 5 of the letter of the Director of Survey, R.O.C.No. 359/S-S.A. of 25 dated the 1st May 1925, and to request that you will be so good as to favour me with your opinion thereon at an early date.

-:-

Extract of letter paragraphs 4 and 5 of the Director of Survey, Madras, R.O.C.No.359-S/S.A. dated the 1st May 1925.

Paragraph 2. paragraph IV D. (of the special staff circular).

I am told the Collector wants the old warg limits respected as a warg pattadar can claim Kumaki from the limit of his patte land. If this is so. encroachments on assessed waste would have to be measured separately. I should like you to settle this with the Collector and inform the officer in charge of No.VI Survey Party, Cannanore of your decision.

Page 15, Paragraph 2. (of the special staff circular)

The officer in charge No.VI Survey Party suggests that the survey should enquire into claims from persons representing themselves as mulgenidars though not shown in the Revenue accounts. Please settle this with him.

- - - -

Rev Dept

To Under Secretary

With reference to the
portion marked A of Mr. Scott Brown's Dem
official at page 1 above attention is
solicited to the notes of Sir G. Stokes
and of Sir G. S. Forbes at pages 3, 7-9 of
(B) notes to G.O. No. 513 Rev d/8.6.06. There seems
to be no objection to send copies of the notes
~~to the Board of the notes~~ of ^{Sir G.} Stokes and
paras 2 & 3 of Sir G. S. Forbes' notes. The Board's
attention may also be drawn to the Board's
references No. 395 Gt/17-2 d/27-6-17 and 16-7-1;
in G.O. No. 3413 d/31-10-17 regarding the
assignment of Kumaki lands in South Kanara

Sa.
18/10/25

Orders are also requested
on par 2 of Mr. Scott Brown's
D.O.

MR 25/10
5

The whole subject raised in the D.O. of
Mr. Scott Brown at page 1 was discussed
fully in the G.O. at page 8. 20
years ago. The difficulty of taking
any other attitude than that
adopted is clearly indicated.
It is for advice whether the Board may

W
I don't want to see any
a paper in any way
I may be sent a full (photo) copy
of the Q. of 1956.

C2

22/10/56

(8)

21.10.56
H. 39.

I am not so sure. Those who
knew the country best farmers
a settlement of. Conclusions & finally
I would send him a full and
copy of 20 of 2006 & say but
would like the common observations
on the reasons there given (after
informal consult with his collector
if necessary) before deciding
whether the question should be
formally investigated

(B)

11/10/56

22/10/56

To Under Secretary

A draft of the
official to Mr. Brown is submitted
for approval

in
23/10/56

28/10

24.10.56

24/10/56

11

D.O. No. 33182 - 1 dt 24-10-25
25

Dear Scott Brown.

dp (9) and
return
on
24/10/25

~~24/10/25~~

24/10/25

Settlement. Resettlement.
South Kanara district - Kumbhak
lands. treatment. your
D.O. No. 419 dt 6-10-25

(B)

I am directed to forward
a notes copy of G.O. No. 513
Rev dt 8.6.1906 which containing
the reasons for ordering
the continuance of the Kumbhak
privileges and to state that
Govt would like the Com-
missioner's observations
on the reasons there given
(after informal consultation
with the Collector of South
Kanara if necessary)
before deciding whether
the question should be
formally reinvestigated

24/10/25

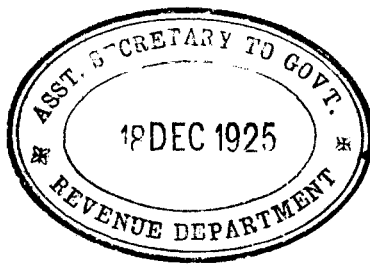
To W. Scott Brown Esq. J. C.S.,
Secretary Board of Rev
with a notes copy of (L.R. & S)
G.O. 513 dt 8.6.06

Yours Sincerely

24/10/25

23/10/25

D.O.No. 514.



Land Revenue and Settlement,

Madras, 17th December '25.

My dear Hood,

Settlement-Resettlement- South Kanara-Kumaki lands
Treatment.

P. 9 *Supra*.

Legh's D.O. No. 3318 E/25-1 dated 24th October
1925.

(B)

From the notes to G.O.No. 513 Revenue dated 8th June
1906 it appears that the main reason which weighed with -
Government in ordering the continuance of the Kumaki privi-
leges was the opinion recorded by Sir Gabriel Stokes that a
tax on Kumaki lands would be intensely unpopular especially
in view of the appreciable enhancement of revenue at the
settlement of the district.

page 200 of *fo ibid.*

para 3 on page 8 of *li*
note to G.O. 51388

(B)

On the other hand, Mr.Couchman considered that the
settlement of the Kumaki question would be welcomed by all
parties and that most Kumakidars would be glad to get their
Kumaki lands at a low rate (para 41 on page 19 of G.O.No.982
Revenue dated 9-10-05) and Mr.Bradley also was of opinion
that many Wargidars would gladly pay a light assessment on
Kumaki lands (para 56 of B.P.No.41, dated 15-3-02). Sir
Gabriel Stokes observed that "these are mere personal -
impressions which are really unconfirmed and speculative".
The same criticism might be applied to the opinion of Sir
Gabriel Stokes. The views of Messrs Bradley and Couchman
whose names are still household words in South Kanara, are
entitled to great weight, and in the present case they are
supported by a number of other officers who knew the district
well. Mr.Macmichael who visited the district recently and
discussed the subject with Wells considers that the resurvey
which is now being carried on will be a convenient basis for
the additional work that will be necessary if it is decided

to

21/14

holders of wargars

to offer the Kumaki to the Wargdars at favourable rates.

He therefore strongly recommends a reinvestigation of the question.

Yours sincerely,

W. C. B. 17/1

To

H.M. Hood Esq., I.C.S.,

Revenue Secretary.

Recd Dept

To Under Secretary

Submitted the Settlement
Commissioner ^{strongly} recommends a reinvestigation
of the question of the settlement of Kumaki
lands. ~~His~~ Attention is solicited to the Hon C₂'s
notes at page 8 above ~~from~~ from which it
will be seen that he is in favour of settlement
of the Kumaki lands. For orders.

Su
25/12/28

A
14/1
S.

Cir 8/1/26
RW 871

The proposal in the last para of the Sec.
to Board's first D.O. may be allowed

NF P1
at B.

C₂ I agree he
871

H
7.1.

draft
871

~~15~~ 15

To Under Secy.

A draft D.O. to the Secy Board of

DP. 11-1-26.

Revenue is submitted for approval.

ad
C. 11/1

MA
9.1.26.
su
9.1.26

~~13~~ 17
D.O. 33722.25-29 11.1.26.

Rev. Dept.

My Dear Scott Brown,

Settlement. Resettlement.

South Kanara Dt. Kumaki lands -

Treatment. your D.O. no 514 of 17.12.25.

D.P. (F)
MA
11.1.26

I am directed to state

that the Government approve of the Board's proposal contained in para

Page 1 N F 2 of your D.O. no 419 of 6.10.25 to

re-examine and report on the question

Don't work
11.1.26

DESPATCHED

11 JAN 1926

of the Settlement of Kumaki lands in the light of the present day conditions.

AS
11/1

To W. Scott Brown Esq I.C.S.
Secretary Board of Rev.
(L.R.S.)

MA
9.1.26.

SU
9/1/26

C.J.B. 164.26.

John & Secy.

The D.O. has been despatched.

The papers may be brought on the index and recorded for purposes of reference and brought on the index. A draft order is submitted for approval. The fact

Report received in
C.no- 268 E. 26.

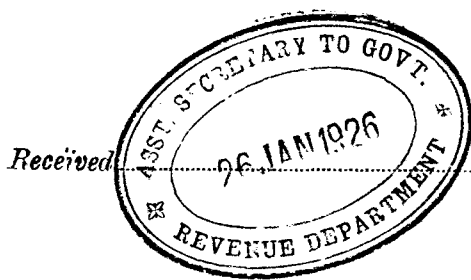
✓
2/1/26

that a report is due will be noted in the call book so that it may not be lost sight of.

MA
15.1.26.
SU
15/1/26

21/16
REVENUE DEPARTMENT.

C.F. 31



CURRENT No.

Rev 218 E

Received

26 JAN 1926

192

Registered

26 - 1 -

1926

Subject.

**Settlement - Re-settlement - South Kanara - Kumaki lands and
Mulgeni leases - Certain questions - Orders passed.**

Lodged. The
B.P. is in consequence
of the order issued in
D.O. at page 13 of G.O.
98 of 19/1/26. This will
be stitched with
that G.O.

(D)

Misc. No. 163.

84/287/26

Station Madras.

Dated the

22nd

January

29/1/26.

ENCLOSURES.

No.....

Spare copies.....

From

W.Scott Brown, Esq., I.C.S.,

Secretary, Land Revenue.

The Board of Revenue Revenue Settlement, etc.

Separate Revenue.

N.Macmichael, Esq., I.C.S.,
Commissioner of Land Revenue and Settlement.

Resolution

Reference.

M.R.Ry.Diwan Bahadur T.Raghaviah Pantulu
Garu, C.S.I.,
Commissioner of Land Revenue.

Read the following paper:--

Letter from G.W.Wells, Esq., M.A., I.C.S., Collector of
South Kanara, Ref.C.No.5006-25-A2, dated the 8th August 1925.

Resolution.

In their order No.513 Rev., dated the 8th June 1906 (B)
communicated with B.P.No.217 (Sett.), dated the 15th June 1906,
Government decided that a settlement of kumaki lands was un-
necessary and that landholders might continue to enjoy the use
of such lands under the rules approved in G.O.No.302 Revenue, (A)
dated the 1st July 1896. The main reasons which weighed with

- 2 - 22

Government in arriving at this decision were that the levy of a charge on kimaki lands might be unpopular especially in view of the appreciable enhancement of revenue made at the original settlement and that a settlement of such lands would be an undertaking of no small difficulty and magnitude. The Board considers that the question should be re-investigated in the light of the conditions of the present day. The Special Settlement Officer is requested to examine the matter and submit a report through the Collector.

cf. D.O.
dt page
13c
above 11-26

2. The Board agrees with the Collector that it is unnecessary to institute any enquiry into mulgeni leases in connection with the resettlement or to issue separate pattas for lands covered by such leases.

portion A at
page 5 of
above 126 (D)

3. The Mulgeni Rent Enhancement Act of 1920 having come into force already, the Board sees no objection to give effect to the orders of Government contained in paragraph 4(3) of G.O. No. 2979, dated the 9th October 1913.

page 24 of 50

(True Extract.)

W. H. B. 1571
Secretary.

To the Collector of South Kanara.

Spl. Sett. Officer, No. IV Party (with a spare copy of B.P. No. 217/15-6-06).

Copy to the Secretary to Government, Revenue Department.

R./25-1.

Mis
25/1